

REMARKS

This is intended as a full and complete response to the Office Action dated November 13, 2008, having a shortened statutory period for response set to expire on February 13, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-37 and 46-74 are pending in the application. Claims 1-37, 46-53 and 55-74 remain pending following entry of this response. Claims 1-5, 8-9, 12, 20, 37, 46, 50, 55, 59-61, 63-64, 70 and 73 have been amended. Claim 54 has been cancelled. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Statement of Substance of Interview

On February 9, 2009, a telephonic interview was held between Gero G. McClellan (attorney of record), Johnny Lam (attorney for Applicants), Examiner Allen Jung, and Supervisory Examiner John Hayes. Claims 1, 8, 50 and 61 were discussed. The parties also discussed proposed amendments to claims 1, 8, 50 and 61. Although no agreement could be reached at the time of the interview, the Examiners stated that proposed amendments should overcome the current rejections. The proposed amendments are reflected in this response.

Claim Objections

Claim 59 is objected to because of the following informalities: claim 59 recites three limitations sequentially labeled (i), (iv) and (v), while it appears to convey (i), (ii), and (iii). Appropriate correction is required.

With this response, Applicants have amended claim 59 to correct the informalities as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Rejections - 35 U.S.C. § 101

Claims 1-28 and 46-74 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 61 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With this response, Applicants have amended independent claims 1, 8, 12, 46, 61, and 64 to recite "a computer processor." Further, Applicants have amended independent claim 70 to recite "an output device." In addition, Applicants have amended independent claims 1 and 8 to recite "providing a fee calculator which when executed configures a computer processor to calculate, based on the fee schedules, a fee to be charged for executing physical operations." Applicants submit that the claims, as amended, are directed to statutory subject matter. Accordingly, Applicants respectfully submit that the rejection is obviated.

Claim Rejections - 35 U.S.C. § 112

Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this response, Applicants have amended claim 50 to recite "upon determining that the model entity definition corresponding to the selection specifies one or more required result fields." Further, Applicants have amended claims 1 and 8 to

recite "providing a fee calculator which when executed configures a computer processor to calculate, based on the fee schedules, a fee to be charged for executing physical operations." Applicants submit that the claims, as amended, are not indefinite. Accordingly, Applicants respectfully submit that the rejection is obviated.

Claim Rejections - 35 U.S.C. § 103

Claims 1-37, 46-50 and 54-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Coutts et al.*, U.S. Publication No. 2002/0073066A1 (hereinafter *Coutts*) in view of *Rao et al.*, U.S. Publication No. 2003/0110087A1 (hereinafter *Rao*).

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Coutts* in view of *Rao* and further in view of *Lyons et al.* U.S. Patent No. 4,989,141 (hereinafter *Lyons*).

With this response, Applicants have amended independent claims 1, 8, 46, 59, 61, to recite "wherein each mapping rule comprises an access method which is executed to retrieve a respective physical field of the physical entities of the data." Applicants submit that the claims, as amended, are not taught by *Coutts*. As noted above, it was agreed during the interview that this clarifying amendment should obviate the rejection. Accordingly, Applicants respectfully request that the rejection with respect to claims 1, 8, 46, 59, 61, and their dependents be withdrawn.

Applicants respectfully traverse the rejection with respect to claims 12, 29, 64, and 70.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a *prima facie* case of obviousness has not been established.

For example, regarding independent claim 12, the Examiner suggests that *Rao* discloses “determining field-specific fees for each of a plurality of the physical fields accessed by the operation.” Independent claims 29, 64 and 70 recite similar limitations. Specifically, the Examiner asserts as follows:

Couts does not explicitly disclose that such fee schedule is set up as . . . “*field-specific fees*.” However, *Rao* discloses that “pricing structures can include different prices for access to different types of data,” clearly teaching that as a subscriber accesses different data of different types, each type of data would incur its own corresponding fee in order to form the overall price to be charged to the subscriber.

Office Action, page 7 (citing *Rao*, ¶¶0028 and ¶¶0071) (emphasis original). That is, the Examiner analogizes “different types of data” in *Rao* to teach a physical field. In particular, the Examiner equates a physical field to a “type of data” in *Rao*. Applicants respectfully submit that such an analogy is untenable. To illustrate, *Rao* describes what is meant by “different types of data”:

Geophysical database 32, as described in further detail below, can contain many different types of data including both land and marine seismic data of varying parameters.

...
Data field 34B stores information about the data including a geographical location of the data shoot and description of the data contained in the particular linked data set, including for example shoot parameters such as type of data, size of the area, number of lines, identities of particular data sectors contained within the shoot, etc.

Rao, ¶ 47 and 51 (emphasis added). In other words, following the Examiner’s analogy would lead to a geophysical database having a “land seismic data” field and a “marine seismic data” field. This is an incongruous result because data types such as “land seismic data” and “marine seismic data” each refer to a general collection of data. Respectfully, a general collection of seismic data simply cannot be represented in a single field. As such, a physical field is not the same as a “type of data” in *Rao*.

Therefore, *Rao* does not disclose "determining field-specific fees for each of a plurality of the physical fields accessed by the operation." Accordingly, Applicants submit that the rejection with respect to claims 12, 29, 64 and 70, and their dependents is defective and should be withdrawn.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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